

JUDGE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR22-0197JLR
Plaintiff,)	
v.)	ORDER TO CONTINUE TRIAL AND
JESUS RUIZ-HERNANDEZ,)	EXTEND PRETRIAL MOTIONS
Defendant.)	DEADLINE
)	Noted for December 23, 2022

THE COURT has considered Jesus Ruiz-Hernandez's motion to continue the trial date and extend the pretrial motions deadline (*see* Mot. (Dkt. # 23)), and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for Mr. Ruiz-Hernandez the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

(c) the additional time requested is a reasonable period of delay, as Mr. Ruiz-Hernandez has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses;

1 (d) the ends of justice will best be served by a continuance, and the ends of
2 justice outweigh the best interests of the public and Mr. Ruiz-Hernandez in any
3 speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A);

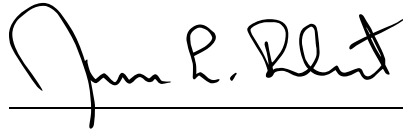
4 (e) the additional time requested between the current trial date of January 23,
5 2023, and the new trial date is necessary to provide counsel for Mr. Ruiz-Hernandez the
6 reasonable time necessary to prepare for trial, considering counsel's schedule and all of
7 the facts set forth above;

8 (f) the period of delay from the date of this order to the new trial date is
9 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv); and

10 (g) the government does not oppose the motion but would like to strike certain
11 assertions in the motion. (See Resp. (Dkt. # 26).) The court cannot evaluate the
12 veracity of these statements but need not decide their truthfulness in order to grant the
13 instant motion. The court cautions counsel that they are held to a high standard with
14 respect to making assertions in their pleadings and reminds counsel that the court will,
15 if necessary, hold hearings on challenged assertions because it takes this conduct very
16 seriously.

17 IT IS THEREFORE ORDERED that the trial date in this matter shall be
18 continued to **May 15, 2023**, and that pretrial motions shall be filed no later than **April**
19 **6, 2023.**

1 ORDERED this 23rd day of December 2022.

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4 JAMES L. ROBART
5 UNITED STATES DISTRICT JUDGE

6 Presented by:

7 s/ *Mohammad Hamoudi*
8 Assistant Federal Public Defender
9 Attorney for Jesus Ruiz-Hernandez
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